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10/053,184	11/09/2001	Yuji Furuta	P/3281-10	6062

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EXAMINER

REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/053,184	Applicant(s) FURUTA, YUJI	
	Examiner Erick Rekstad	Art Unit 2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 1, 9, 10 and 15 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is an Office Action for application 10/053,184 in response to the RCE filed on September 7, 2005 wherein claims 1-15 are presented for examination.

#### ***Response to Arguments***

As no new arguments have been filed with the RCE entered on September 7, 2005, the response to arguments relates to the previously entered arguments filed on July 12, 2005.

Applicant's arguments filed July 12, 2005 have been fully considered but they are not persuasive.

In regards to the applicants arguments related to claim 1 and the Eifrig reference, the applicant has argued that Eifrig fails to teach "secondary extracting means which extracts a plurality of second data not to be processed from said secondary storing means in accordance with an order of said inputted MPEG data to produce a secondary data block". As noted in the previous office action, Eifrig teaches the use of the audio delay units which are not only the secondary storing means but also the secondary extracting means. Since the audio is only delayed in order to provide time for the video data to be altered, the extracted audio is provided in accordance with an order of said inputted MPEG data.

Further, the claim is open to multiple interpretations, as presented below.

1. The secondary extracting means extracts a plurality of second data which is not processed by the secondary storing means.

2. The secondary extracting means extracts a plurality of second data from the secondary storing means.

It is therefore suggested, by the examiner, to amend the claim in order to clarify the intended invention. Assuming the applicant desires the second interpretation, an amendment such as "secondary extracting means which extracts from said secondary storing means a plurality of said second data to be not processed, where in the extraction is in accordance with an order of said inputted MPEG data to produce a secondary data block."

In regards to the applicant's arguments related to claim 9 and Eifrig, the applicant has argued that Eifrig does not teach "obtaining a process data block by variable length encoding the replaced data group." The previous rejection states the primary extracting and partially replacing means (304, 320, and 302). To clarify the previous rejection, Eifrig shows the step of variable length encoding the replaced data group (302, Fig. 3a) (Col 8 Lines 23-29).

Applicant's arguments with respect to claims 1 and 9 with regards to the Adolph reference have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: The claim states that the secondary storing means may store the numbers of first data stored in the primary storing means or a plurality of second data to be not processed. Assuming the case where the secondary storing means stores only the number of first data stored,

then the secondary extracting means would be unable to extract from the secondary storing means said second data to be not processed. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 15 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim requires storing both the video data and non-video data in the primary store. The examiner was unable to find such a feature in the disclosure. Further, the examiner was unable to find in the disclosure the feature of "storing data length of said video data and said non-video data written in said primary store in order of said data stream being input into a secondary store."

The examiner notes that the cited requirement is unclear as to if the data length and the already stored non-video data are being stored in order based on the data stream being input into a secondary store. Or, if the data length and already stored non-video data are being stored in the secondary store based on the order of said data stream.

Further, the examiner notes "combining said video data after the image is processed" is unclear since there is no previous mention of separating the video data from itself. If the combining is meant to relate to the video data and non-video data, it is suggested to amend the claim to clarify this.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,748,020 to Eifrig et al.  
[claims 1 and 9]

As shown in Figure 3a, Eifrig teaches an MPEG data processing circuit which processes inputted MPEG data to produce outputted MPEG data, comprising:

dividing means (306) which divide said inputted MPEG data into a first data block having a plurality of first data to be processed and a second data block having a plurality of second data to be not processed;

primary storing means (310-314) which store said a plurality of first data to be processed;

secondary storing means (340-344) which store the numbers of said first data stored in said primary storing means or said a plurality of second data to be not processed;

primary extracting and partially replacing means (304, 320, and 302) which extract said a plurality of first data to be processed from said primary storing means in accordance with an order of said inputted MPEG data and which partially replace a predetermined data portion of the extracted first data; said primary extracting and partially replacing means producing a primary data block;

secondary extracting means (340, 342, 344) which extract said a plurality of second data to be not processed from said secondary storing means in accordance with an order of said inputted MPEG data to produce a secondary data block (Col 9 Line 15-3);

and combining means (336) which combine said primary data block and said secondary data block with each other in an original order to produce said outputted MPEG data (Col 7 Line 63-Col 8 Line 50).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,081,295 to Adolph et al. in view of US Patent 5,287,182 to Haskell et al.

[claims 1 and 9]

As shown in Figure 1, Adolph teaches an MPEG data processing circuit which processes inputted MPEG data to produce outputted MPEG data, comprising:

dividing means (DMX) which divide said inputted MPEG data into a first data block having a plurality of first data to be processed and a second data block having a plurality of second data to be not processed;

primary storing means (BUPAR) which store said a plurality of first data to be processed;

primary extracting and partially replacing means which extract said a plurality of first data to be processed from said primary storing means in accordance with an order of said inputted MPEG data and which partially replace a predetermined data portion of the extracted first data; said primary extracting and partially replacing means producing a primary data block;

secondary extracting means (ADP or SDP) which extract said a plurality of second data to be not processed from said secondary storing means in accordance with an order of said inputted MPEG data to produce a secondary data block;

and combining means (MX) which combine said primary data block and said secondary data block with each other in an original order to produce said outputted MPEG data (Col 1 Lines 10-25, Col 2 Line 47-Col 3 Line 62).

Adolph does not specifically teach secondary storing means which store the numbers of said first data stored in said primary storing means or said a plurality of



second data to be not processed. Adolph does teach the buffer (BUPAR) for use in the video processor portion of the circuit, as shown in Figure 1.

Haskell teaches the use of a buffer in an audio processing system (205, Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention that the audio processor would contain a buffer as Adolph teaches the use of a buffer in a processor used to process a part of the mpeg stream and Haskell further teaches the use of a buffer for processing audio.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eifrig.  
[claim 10]

Eifrig teaches the method of claim 9 as shown above. Eifrig teaches the use of an audio delay. Eifrig further teaches the remux does not need to contain video (Col 27 Lines 58-65). Eifrig does not specifically teach when the data from the audio delay (340-344) is written. It would have been obvious to one of ordinary skill in the art at the time of the invention that the audio delay could delay for a certain time period independent of the video (Official Notice).

### ***Allowable Subject Matter***

Claims 2-8, 11-13 and 14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 2-8 and 11-13 include novel and unobvious features in that the examiner was unable to find in several prior art searches. US Patent 6,081,295 to Adolph et al. teaches a generic MPEG data processing circuit which processes inputted MPEG data

to produce outputted MPEG data. Adolph does not teach the specifics of claim 2.

Claim 2 requires a V-ES detecting section, a barrel shifter, a VLD, a data replacing section, VLE, a bit packer, a data combining section, a control section, and a memory control section. These features embodied in one circuit as described in the claim teach over the prior art. These features taken with the others in the claims define over the prior art.

Claim 14 includes novel and unobvious features in that the examiner was unable to find in several prior art searches. Specifically, the claim requires a second store that stores data length of said video data written in said primary store and said non-video data in order of said data stream being input. These features taken with the others in the claim define over the prior art.

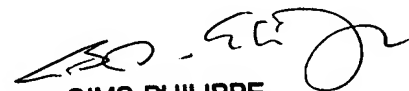
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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